TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP

ADVISORY PLAN COMMISSION BOARD OF ZONING APPEALS ZONING ENFORCEMENT BUILDING PERMITS

Meeting Date:	August 20, 2007
Docket Number:	0707-VS-021
Appellant:	Amy Hittle
Property Address:	20831 Anthony Road
Variance of Standard	WC 16.04.030, B6b
Request:	Side Yard Setback in the AG-SF1 District

EXHIBITS

1.	Staff Report	07/16/2007
2.	Aerial Location Map	07/16/2007
3.	Property Card	06/27/2007
4.	Letter of Grant for Variance 93-V-19	08/31/1993
5.	Appellant's Application and Plans	06/11/2007

RELATED CASES

0707-VS-022

Stable setback – variance request

VARIANCE OF STANDARD REQUEST

This variance of standard request is to reduce the northern side yard setback line from 30 feet to 15 feet in the AG-SF1 District (*WC 16.04.030, B6b*). Specifically, this request is in regard to the setback requirements for a proposed accessory structure on the subject property.

PETITION HISTORY

This petition was scheduled for public hearing at the July 16, 2007 Westfield-Washington Township Board of Zoning Appeals meeting. Due to the lack of a quorum, the July BZA meeting was cancelled. As a result, this item was continued to the August 20, 2007 BZA agenda. Public notice for this item was properly served.

PROPERTY INFORMATION

The subject property is currently approximately 7.25 acres in size (see Exhibit 3). The subject property is located on the west side of Anthony Road and is approximately 1,330 feet north of the S.R. 38 right-of-way. The subject property is zoned AG-SF1. Currently, the property is being used as a single-family residence.

0707-VS-021Board of Zoning Appeals *August 20, 2007*

The subject property is bounded on the north and south by large-lot, rural residential uses. The subject property is bounded on the east (across Anthony Road) and west by agricultural uses. The subject property is adjacent to a heavily wooded area, located to the north and west of the property (see Exhibit 2). Property on all sides is also zoned AG-SF1. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

On August 16, 1993, the Westfield-Washington Township Board of Zoning Appeals granted a variance that allowed a second residence on the subject property (93-V-19) (see Exhibit 4). A condition of the approval tied the variance to the specific petitioner of the request, Mr. Peter Miller. The variance was never acted upon, and only one residence exists on the subject property. Mr. Miller no longer owns the subject property; therefore, the approval of variance request 93-V-19 has expired and is no longer applicable to the subject property. Variance 93-V-19 has no impact on this variance request.

There are no additional variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property.

ANALYSIS

The eastern half of the subject property is currently improved with a residential structure. In front of the residential structure, a 50-foot pipeline easement crosses the property from southwest to northeast. According to the submitted plans, a septic field is located behind the residential structure, to the west. The western half of the subject property is currently improved to accommodate horses; the improvements include a stable, a corral, and a pasture. A fence divides the pasture into east and west sections. A gate is located at the approximate midpoint of the fence. The property is currently accessed by a driveway that generally runs along the northern portion of the property and terminates at the existing horse stable.

The proposed barn would be approximately 48 feet by 56 feet (2,688 square feet), and it would be located on the north side of the property. According to the submitted plans, an existing 100 square-foot shed would be removed and access would continue along the northern portion of the property to the proposed barn.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain rural in character and use. It is identified as part of the "Rural Northwest and Northeast" component of the future land use plan.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. The intent of building setbacks is to establish minimum yards, establish a minimum building line, and manage minimum building separation. By reducing the side yard of the proposed accessory structure, a minimum side yard of fifteen feet (15') would exist, which is greater than the side yard setback requirements for SF-2, SF-3, SF-4 and SF-5. A fifteen-foot (15') setback allows adequate space to provide fire protection for the subject property and the adjoining property to the north.

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Findings: Relief from the minimum side yard setback standard is not likely to affect the use and value of adjacent properties in a substantially adverse manner because it would not encroach upon the use and enjoyment of neighboring properties. The proposed accessory structure would be approximately 200 feet from the closest permanent structure on adjacent property. By locating the accessory structure fifteen feet (15') closer to the property line than the terms of the Zoning Ordinance require, the use and value of neighboring properties would not be negatively impacted.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: The subject property is not constrained by natural features that would prohibit compliance with the terms of the zoning ordinance for the construction of an accessory structure. Some existing site improvements, such as the pipeline easement, the septic field, the stable, and the corral, limit the land availability for the proposed barn. The existing pasture area would be the only location on the subject property for construction of an accessory structure without significantly impacting and reconfiguring existing improvements. Considering the configuration of the property and the existing improvements to the property, proposed accessory structure could physically comply with the setback standard established in the zoning ordinance. The cost associated with compliance would be reducing the amount of land available for pasture.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

If the Board approves this variance of standard request, the following condition would be appropriate:

1. That no further future reductions of the northern side yard occur.

Aerial Location Map

20831 Anthony Road

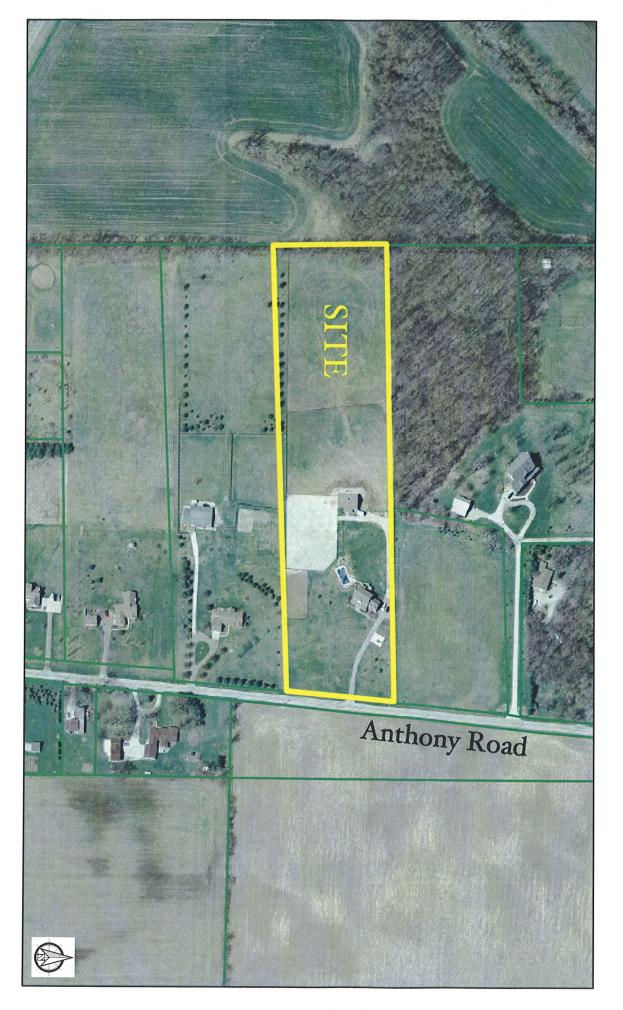


EXHIBIT 3

co.HAMILTON.in.us

Online Se

Official government site of Hamilton County, Indiana

Property Card Report

1. report type
Reset

2. property search

3. view reports

new search general parcel info.

spring tax statement

fall tax statement

tax payments

property card

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This program allows you to view and print certain public records. **Each report reflects information as of a specific date**; so the informatior different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for c accuracy. It may not reflect the current information pertaining to the property of interest.

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - March 1, 200 Improvement characteristics may differ from those used to determine the total assessed value listed.

Property Data Parcel Location 20831 ANTHONY RD,NOBLESVILLE Taxing Unit Washington Legal Description 12/6/93 FR SHARP 9360120 AUD 10/6/00 FR MILLER 2000-50220 Section/Township/Range S18 T19 R04 Subdivision Name NULL Lot and Block Lot Block Arres 7,25 Effective Frontage Effective Depth Property Class Effective Depth Property Class Cash Grain/General Farm Exterior Features and Out Buildings 1 Attached Garage, 1 Concrete Apron, 1 Pool, 1 Barn, 1 Utility Shed, 1 Bay, 1 Concrete Patio, 3 Open Frame Porch, 1 Wood Deck, Building 1, Card IO R01 Physical Characteristics Story Height 2.0 Easement full Physical Characteristics Floor Construction 2.0 (second) Sub and joists Easement Unfinished, None Assessed Unive: Land S7100 Assessed Value: Land S72900 Total Assessed Value: 331000 Section/Township/Range S18 T19 R04 Assessed Value: Land S7100 Assessed Value: 331000 Total Assessed Value: Improvements 273900 Total Assessed Value: 331000 Total Assessed Value: Land S72900 Total Assessed Value: 331000 Total Assessed Value: Land S72900 Total Assessed Value: 331000 Total Assessed Value: Land S72900 Total Assessed Value: 331000 Total Assessed Value: Land S72900 Total Assessed Value: 331000 Total Assessed Value: Land S72900	Summary Information - P	Parcel Number: 08-06-18-00-00-013.	00	2			
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COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP

PLAN COMMISSION

BOARD OF ZONING APPEALS

August 31, 1993

Peter Miller 7738 Bayhill Drive Indianapolis, IN 46236 FILE GOPY

Dear Mr. Miller:

The Westfield-Washington Board of Zoning Appeals met August 16, 1993 at the Westfield City Building. After hearing case number 93-V-19, a motion was made to approve the plans as submitted, with the following conditions:

1. For this petitioner only.

2. The approval applies to the submitted plan only.

3. The use of the guest house is limited to family members of petitioner.

At the appropriate time, someone may come to the office to obtain the necessary permits. Feel free to call between the hours of 8:00 A.M. and 4:30 P.M. if you have any questions.

Sincerely,

Susan L. Jacobs, Secretary Wastfield-Washington

Board of Zoning Appeals

c.c: File

TOWN OF WESTFIELD, INDIANA

EXHIBIT 5



Annellant's Name

1

Petition Number: Date of Filing: 0707-45-021

WESTFIA poplication for VARIANCE OF DEVELOPMENT STANDARD Westfield – Washington Township Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

amus Hittle

Add	ress	aossi Anthony Rd	
	phone Number ail Address	Noblesville, IN 46062 317.877.9884 amychittleconstruction net	
Land Add	lowner's Name ress	same	
Tele	phone Number		
	presentative dress	Justin R. Rysher 7835 W. 2005	
	ephone Number ail Address	Lapel IN 40052 317: 710:4398 Justin Chittleconstruction net	
*If to	he applicant is no representing the	ot presenting a petition, please provide contact information for applicant.	the
Com	mon description	of property (address, location, etc.)	
Lega	l description of p Sec aHa	roperty (list below or attach)	
Com	plete description	of the nature of the development standard variance applied for:	
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TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Amy h. Wittle

SUBSCRIBED AND SWORN TO ME THIS

DAY OF

20 07

Notary Public

My commission expires:

DIANA L. PEYTON Notary Public - Seal State of Indiana

My Commission Expires Jan 11, 2009

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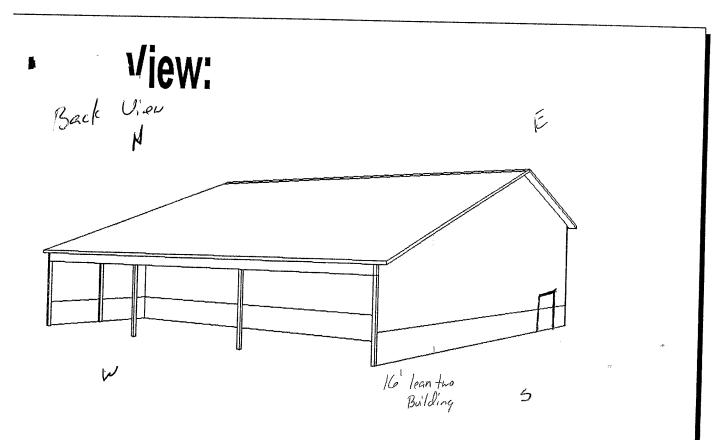
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Undianed 2000-50220) 7.184 Acres, ± Monty and Jon King (H.& W.) (Instrument 9809801802) 524 (Tract 3) N 85"48"26" E 1155.45" (Magaured) N 85"48"26" E 1155.45"± (Deed) Total carety of D.JA's William D. Beck (instrument 200000050589) 218 S 88'48'25" W 1128.95' (Meeture) S 88'48'26" W 1128.95' (Meeture) Post Frame, Building 56 15' setback A . 9K (19.80 6 removing 10×10 shee FRAME 1106 34. 8 261'ed (Ores) 4.) Bond on a scaled biterpiritation of FLOCO INSURANCE RATE MAJE COMMUNITY PAVELS MAJEDS 180025 0003 G and RAUMER 180028 0004 G, for the form of vestifield, Indiana, as invised to May 18, 1982, the white described real entire is NOT located in Special Flood Harded Area Zone A, as established by the Federal Energiancy Management Aquincy for the National Road enaurouse Proprior. The excitority of the type fixed hardery Management Aquincy for the National Road enaurouse Proprior. The excitority of the fixed enaurouse Road in this survey policy is subject to the scale and the entire type of the type of the policy reference Flood plant and the control of the control of the residence of the interest revision of said Flood Majernal Road Maj 2.) This survey was proposed utilizing information shown in Schedule A and Schedule B of a commitment for tile insurance insued by Margam & Associates, Inc. as agents for Stewart Title Quarantly Company official August 14, 2000 as Commitment No. 00233638 Revised 1. 8. By visual observation and per information supplied by the Clifics of the Namilton County Drainings Board and/for the Office of the Hamilton County Surveyor, he legal (regulated) legal drains directly cross the within surveyed food relate. As used en this purvey, zerbly means to make or declare a professional opinion of conditions reported these fests or findings which are the subject to the curtification and does not constitut a nerronly or quarantee, other supressed or implied. 6.) Underground cultime servicing the width stancibus parts of real entails were NOT focabel for this warms. The incretion of underground usely service may be obtained by controlling fine Underground Protection, Aponcy at 1—800—302—5544. 3.) The zoning elemblication and he requirements as established by governmental retors has not been when an only because yield. CONDUCT NOITS: Care of the or Care. septice field-Menty and Jon King (H.& W.)
(Instrument 9809801802)
(Tract 2) Wanted Books (14 A STATE OF THE STA A STEEL STEEL A STATE OF THE REAL PROPERTY.

Alustral K. V. Port

survey was performed under the direction of the underrighed land curveyer and to the best of his invertedge, and it was assessed assessing in the survey requirements and and in Thick performed to the first performance of the first performance and the first performance of the first performance of

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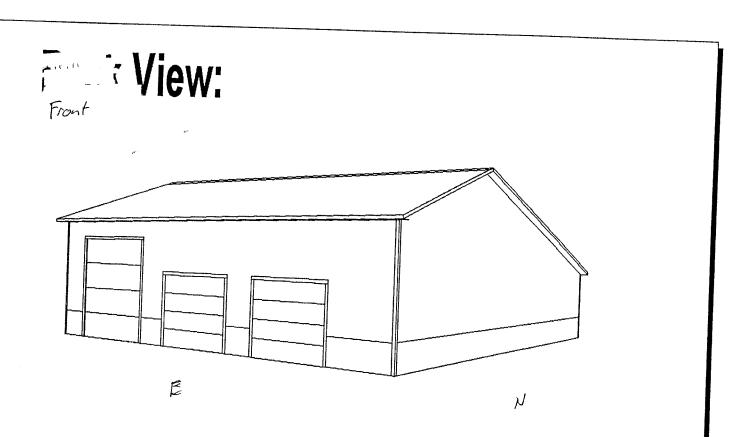
Emeraid Green Ridgecap & ProfileVent
Colored Neoprene Washer Screws for the Roof (Best)
Colored Neoprene Washer Screws for the Walls (Best)
2X8 CCA Grade Board
Bottom Trim, Eave Trim, 6" Fascia Trim
No Front Sidewall Overhang, 12" Back Sidewall Overhang
12" Front Endwall Overhang, 12" Back Endwall Overhang
Emerald Green Soffit Color
Inside Closure Strips
3 - Insulated Ribbed White Overhead Door(s)
Contractor Trim For Overhead Door(s)
Custom Mini-Print To Aid In Construction



idewall:
- No Doors

Endwall:
- No Doors

Si



Sidewall:

- 10' x 12' Overhead 48" DP
- 9' x 8' Overhead 216" DP 9' x 8' Overhead 372" DP

Endwall:

- No Doors

** DP ==> (D)oor (P)lacement, from the left side of the wall (in inches).

istomized to your specifications at the Building Materials counter. Member for details!

Exhibit "A"

File No. 120702040

A part of the East half of the Southeast Quarter of Section 18, Township 19 North, Range 4 East located in Washington Township, Hamilton County, Indiana described as follows:

Commencing at an iron rod marking the point of intersection of the North line of the Southeast Quarter of Section 18, Township 19 North, Range 4 East and the center line of Anthony Road, said iron rod being South 88 degrees 48 minutes 26 seconds West (assumed bearing) 81.84 feet from the Northeast corner of said Southeast Quarter; thence South 04 degrees 05 minutes 16 seconds West 933.96 feet on and along the centerline of Anthony Road to a P.K. Nail marking the point of beginning of this description; thence South 04 degrees 05 minutes 16 seconds West 275.15 feet on and along the centerline of Anthony Road to a P.K. Nail; thence South 88 degrees 48 minutes 26 seconds West 1128.95 feet, more or less, parallel with the North line of said Southeast Quarter to a 5/8" iron rod with yellow cap stamped S0083 on the West line of a tract of real estate described in Instrument Number 9122393; thence North 01 degrees 26 minutes 24 seconds West 273.98 feet more or less, on and along said West line to a 5/8" iron rod with yellow cap stamped S0083 which bears South 88 degrees 48 minutes 26 seconds West from the point of beginning; thence North 88 degrees 48 minutes 26 seconds East 1155.45 feet, more or less parallel with the North line of said Southeast Quarter to the point of beginning.

WARRANTY DEED

THIS INDENTURE WITNESSETH, That Thomas Kontos and Rhonda S. Kontos, Husband and Wife (Grantor) CONVEY(S) AND WARRANT(S) to Amy R. Hittle (Grantee) for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Hamilton County, State of Indiana:

SEE ATTACHED EXHIBIT "A"

Property Address: 20831 Anthony Rd., Noblesville, IN 46062

· 1.4. 大学的问题等的是特别的问题的音乐的思想的意思的思想的意思的问题。

Subject to current taxes not delinquent, and all easements, agreements and restrictions of record and all public rights of way.

public rights of way.

IN WITNESS WHEREOF, Grantor has executed this deed on the Stay of May, 2007.

Thomas Kontos

Rhonda S. Kontos

STATE OF INDIANA

SSS.

Before me, a Notary Public in and for said County and State, personally appeared Thomas Kontos and Rhonda S. Kontos, who acknowledged the execution of the foregoing deed.

Witness my hand and notarial seal on the 15 day of ______, 200

Notary Public

County

JENNIFER L. PATTERSON

(SEAL) *) Resident of Madison County

(Sead Tax Bills to:

(Sead Tax B

Prepared by:

Robert R. Thomas, Attorney at Law 540 Westfield Rd., Noblesville, IN 46060

I affirm, under penalties for perjury, that I have taken reasonable care to redect each Social Security number in this document, unless required by law File No. 120702040